

RECEIVED
IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
2008 FEB - 3 10 30
EASTERN DIVISION

KINERA LOVE,)
Plaintiff,)
v.) CIVIL ACTION NO.:
DOLLAR GENERAL CORPORATION,)
d/b/a DOLGENCORP,) 03-06cv1147-MHT-SRW
Defendant.)

PLAINTIFF'S MOTION TO ALLOW TWO-DAY LATE FILING OF
BRIEF IN OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
WITH SUPPORTING EVIDENTIARY MATERIALS

The Plaintiff, by and through her attorney of record, files this Motion to Allow Two-Day Late Filing of Response to Defendant's Motion for Summary Judgment in the above-styled cause. As grounds, she submits the following for the Court's consideration:

1. The undersigned attorney was under the care of her medical doctor for four days during the week the Plaintiff's Response was due on Friday, 1 February 2008 (***See attached Letter from Physician, shown as Exhibit 1, and Declaration of Attorney, shown as Exhibit 2***);

2. The undersigned attorney did not return to work until the late afternoon of 1 February 2008, and worked diligently to complete the Response for the deadline but was unable to do so until the date of this filing;

3. The undersigned attorney's legal assistant was not available to assist in completing the Response, which resulted in

the preparation being more time-consuming than it normally would be were she available; and,

4. The undersigned attorney submits that the Brief in Opposition to the Defendant's Motion for Summary Judgment with Evidentiary Materials is being filed contemporaneously with this Motion.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff prays that this Honorable Court will grant her Motion to Allow One-Day Late Filing of Brief in Opposition to Defendant's Motion for Summary Judgment for the reasons as stated above.

Respectfully submitted,


Lateefah Muhammad (Ala. Code MUH001)
ATTORNEY FOR PLAINTIFF

Lateefah Muhammad, Attorney At Law, P.C.
Post Office Box 1096
Tuskegee, Alabama 36087
(334) 727-1997 telephone and facsimile
lateefahmuhammad@aol.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Plaintiff's Motion to Allow Two-Day Late Filing of Brief in Opposition to Defendant's Motion for Summary Judgment with Evidentiary Materials to Ryan Aday, Esquire, attorney for Defendant, by sending it to OGLETREE DEAKINS, P.C., One Federal Place, Suite 1000, 1819 Fifth Avenue North, Birmingham, Alabama 35203, in the United States Mail, postage prepaid and by facsimile on this 3rd day of February, 2008.

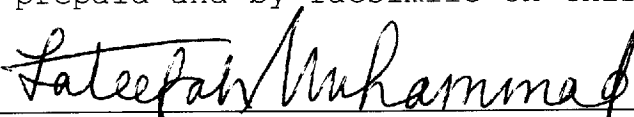

Lateefah Muhammad

EXHIBIT 1



Dr. Isabell Gervais, MBBS, NMD

January 28, 2008

TO WHOM IT MAY CONCERN:

RE: Lateefah Muhammad

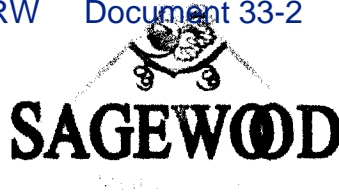
Ms. Muhammad is a patient under my care on the above date.

Please excuse any absences that may have resulted from the necessity of tending to this condition.

Feel free too contact me with any questions, if necessary.

Sincerely,

Dr. Isabell K. Gervais



6773 Taylor Circle Montgomery, AL 36117 office 334-356-4088 fax 334-356-2388

Tel: 334-356-4088

Fax: 334-356-2388

Excuse for absence from school/work

Date: 1/28/08

Medical Director & CEO
Dr. Isabell Gervais

To Whom it May Concern:

Departments:

- Internal Medicine
- Alternative Oncology
- Environmental Med.
- Oriental Medicine
- Integrated Alternative Therapies
- Wellness & Beauty
- Thermography

Please excuse Antwain Muhammad who,

✓ received treatment on 1-28-08. A recovery period of 4 day(s) is required.

_____ was seen in our office on _____ for a post-treatment/recheck appointment.

May return to work on _____.

_____ was seen in our office today for a consultation.

Staff:

Dr. Isabell Gervais, MBBS,
N.M.D., Doctoral Candidate

Dr. Ron Fletcher, MD

Please contact me if you have any questions.

Sincerely,

Dr. Isabell Gervais

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

KINERA LOVE,)	
Plaintiff,)	
)	CASE NO.:
v.)	03-06cv1147-MHT-SRW
)	
DOLLAR GENERAL CORPORATION,)	
d/b/a DOLGENCORP, INC.,)	
Defendant.)	

DECLARATION OF LATEEFAH MUHAMMAD, ATTORNEY AT LAW

The Declarant, declares and affirms the following:

1. My name is Lateefah Muhammad. I represent the Plaintiff in the above-styled cause. The facts stated in this Declaration are known to me of my own personal knowledge and, if called upon to testify to the matters in this Declaration, I could and would competently do so;

2. On Monday, 28 January 2008, I had a medical condition that developed which kept me away from work for four-and-a-half days. I have been under my doctor's care during this period of time. She continues to help me monitor my condition; however, she did give me permission to return to work on Friday, 1 February 2008;

3. I am submitting this Declaration along with a request to the Court in the above case;

4. I spoke with Law Clerk Melanie Hirsch briefly on Monday, 28 January 2008, regarding my medical condition;

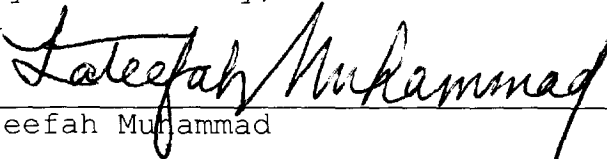
5. I was not able to complete the Plaintiff's Brief in Opposition to Defendant's Motion for Summary Judgment due to my

Summary Judgment due to my medical condition until the filing of this Declaration along with a Motion to Allow Two-Day Late Filing of Plaintiff's Brief;

6. If the Court needs any additional submissions from me, I am much obliged to do so.

I declare under penalty of perjury that the foregoing Declaration is true and correct.

DONE this 3rd day of February, 2008.


Lateefah Muhammad